# UNITED STATES PATENT AND TRADEMARK OFFICE

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/731,673 | 12/08/2003 | Srikanth Karimisetty | 021756-002000US | 4263 |

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| ART UNIT | PAPER NUMBER |
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| *Advisory Action* *Before the Filing of an Appeal Brief* | Application No. | Applicant(s) |
| | 10/731,673 | KARIMISETTY ET AL. |
| | Examiner | Art Unit |
| | NIRAV PATEL | 2435 |

### *--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

THE REPLY FILED <u>18 May 2009</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☐ The period for reply expires _____months from the mailing date of the final rejection.

   b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

      Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a)☒ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b)☐ They raise the issue of new matter (see NOTE below);

   (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

      NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.

6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: *None*.

   Claim(s) objected to: *None*.

   Claim(s) rejected: *1-6,8-15,17-23,25 and 26*.

   Claim(s) withdrawn from consideration: *None*.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See Continuation Sheet.</u>

12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_

13. ☐ Other: \_\_\_\_\_.

/Beemnet W Dada/
Primary Examiner, Art Unit 2435

Continuation of 3. NOTE: The amended independent claims 1, 10, 18, would raise new issue that would require further consideration and/or thorough search.

The amended claims 1, 2, 10, 18 are not entered. Even if the amendment is entered, the cited prior art teaches the claim limitation. See response below.
Continuation of 11 does NOT place the application in condition for allowance because: Applicant's arguments filed 05/18/09 have been fully considered but they are not persuasive.

Regarding to applicant's argument to claim 26, Examiner maintains, since Cook teaches a database management and security system for controlling database access and updates. The system includes a user interface for defining a plurality of user defined rules containing security constraints for accessing the data and for receiving a request. The plurality of rules are applied to the request to determine if the request passes the security constraints and the request is modified if required to meet the security constraints (modifying the query by applying the plurality of rules to the query and executing the modified query to obtain the data from the database). The access manager combines the query with the security rules to form the modified query for the user. The rule engine is configurable by a user to update security requirements, consistency rules and the triggers. Cook teaches the XML query for access the document stored in the database. Further, Lusen teaches storing the document in XML format and providing the user interfaces that are programmed to allow the user/administrators to define, configured and manage the rules. Theses rules contain string values. Each index is extracted from the object and merged with other extracted indexes into a single XML stream. This is done (XML element/tag extraction) by searching the XML document using specified Xpath. The XML stream is used to identify and organize the stored document(s). Further, Karch's invention relates to system access control and management, where data attributes are extracted from the database and/or the data dictionary associated with the database. The extracted attributes are forwarded to the create rules algorithm. The create rules algorithm creates a rule based on the extracted attributes. Therefore, the combination of Cook, Lusen and Karch teaches the claim subject matter. The examiner recognizes that obviousness can also be established by combining or modifying the teaching of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to on of ordinary skill in the art. See In re Fine, 837 F. 2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and In re Jones, 958 F.2d 347, 21 USPQ 2nd 1941 (Fed. Cir 1992). In KSR Int'l Co. v. Teleflex, Inc., 127 S. Ct. 1727, 1739 (2007), the Supreme Court emphasized "the need for caution in granting a patent based on the combination of elements found in the prior art," and discussed circumstances in which a patent might be determined to be obvious without an explicit application of the teaching, suggestion, motivation test.
    In particular, the Supreme Court emphasized that "the principles laid down in Graham reaffirmed the 'functional approach' of Hotchkiss, 11 How. 248." KSR, 127 S. Ct. at 1739 (citing Graham v. John Deere Co., 383 U.S. at 12 (emphasis added)), and reaffirmed principles based on its precedent that "[t]he combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results."